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10/689,090	10/20/2003	Kevin S. Grant	1-2-27	3808
7590 Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560				
			EXAMINER RUSSELL, WANDA Z	
			ART UNIT 2416	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/22/2008 have been fully considered but are not persuasive.

2. Applicant argues that the GMAC by Lay is not a physical device for claim 1.

In response, the Examiner respectfully disagrees.

Lay teaches Gigabit interface 104, like ports 102(1)-102(12), has a PHY ([0031], lines 1-2, and the gigabit PHY (physical layer) ([0030], last 3 lines). The GMAC (a Gigabit Media Access Controller) ([0031], line 2) is a controller, not a link layer device as Applicant stated in first paragraph, P. 3 of the Argument. In [0031], Lay teaches GMAC 108 provides full-duplex flow control mechanisms and a low cost stacking solution for either twisted pair or ... ([0031], lines 6-8). It is clear that it is a physical layer device.

3. Applicant argues that the Flow Control Manager 116 is not located in the MAC of a port because it is connected to buses described in [0051] and [0052] for claim 1.

In response, the Examiner respectfully disagrees.

In para. [0051], Lay teaches that FM 120 is connected to each of the ports 102(1)-102(12) directly and is also connected to the ATM Bus for communications with other portions of the switch ([0051], lines 1-3. Note that the fact of FM 120 is connected to each of the ports is not illustrated in Fig. 1, and the figure only shows that 120 is connected to 108, same connection for the Flow Control Manager 116. There is no evidence showing that the 116 is not connected to the ports.

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4. Applicant argues that claim 1 recites limitations wherein the flow control message is responsive to a detected condition relating to at least a given one of a plurality of egress queues of the physical layer device and wherein the link layer device is operative to alter a characteristic of a flow of data from the link layer device to the physical layer device responsive to backpressure information in the flow control message, and the flow control described by Lay is directed to managing the flow of incoming data packets from the ports of a switch to a memory of the switch.

In response, the Examiner respectfully disagrees.

Claim language lacks the details of the egress queues (structural and functional). Even though the limitation is read in light of the specification, limitations are not read into the claims.

5. Applicant argues that lay does not teach MPHY in claim 6.

In response, the Examiner respectfully disagrees.

In para. [0070], lines 4-7, Lay teaches multiple port logical values. Note that all the memory interfaces 110 and 112 are controlled by FCM 116. See [0078]-[0083].

6. Other independent claims 18, 19, and 20 have the same issue. Rejection of dependant claims remains effective.

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